

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

NOVEMBER 3, 2009

In January of 2003 the County's Environmental Health Division clarified a policy which precludes the use of hauled water for new single-family residences. The majority of County residents impacted by this policy live in the unincorporated communities of Acton, Agua Dulce, Juniper Hills, and other relatively rural and sparsely populated communities. Many of these residents are not served by municipal water agencies. In these same communities, there are a limited number of private properties where no adequate source of groundwater exists. Some property-owners have drilled two or three times and failed to locate groundwater; others have commissioned studies by licensed hydrologists demonstrating that no reasonable source of groundwater is present. Under the County's existing Hauled Water Policy, County staff will not issue permits for new residential development utilizing hauled water.

Residents of the Antelope and Santa Clarita Valleys have identified properties where hauled water is already being utilized for existing single-family dwellings. Typically this occurred where groundwater was previously available but is no longer in adequate supply. Staff of the Department of Public Works has documented several hundred single-family residences where owners utilize hauled water. There are other similarly situated properties in these areas that are both outside the boundaries of existing water agencies, and lack adequate sources of groundwater. Residents claim that precluding the use of hauled water, in areas where other owners are allowed to do so, is a violation of their equal protection rights under the Constitution. Some contend that the County has inversely condemned these properties and even threatened litigation.

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At the Board's request, the Chief Executive Officer convened meetings from representatives of the Departments of Environmental Health, Public Works, Regional Planning, and the County Counsel to study the issues surrounding hauled water. This "Hauled Water Task Force" met for more than a year and issued a report on September 17, 2009. My office has distributed this report to various town councils, community organizations, and members of the public interested in this issue.

The Hauled Water Task Force raises substantial new information which may impact the public's perception of hauled water. For example, the Task Force identified more than 35,000 lots that potentially could be developed utilizing hauled water were the County to change its existing policies. The Task Force also suggests that an Environmental Impact Report be prepared in advance of any change to the County's Hauled Water Policy. These are substantive new issues, and they merit consideration by the public before any policy changes are brought before the Board of Supervisors.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Officer to:

- Work with the Hauled Water Task Force to prepare a public presentation concerning the findings contained in the September 17, 2009, "Report on the Feasibility of Using Hauled Water for New Residential Construction In Select Areas of the County;"
- Engage the Hauled Water Task Force to conduct a series of community outreach meetings regarding this report, starting in early 2010;
- Insure that this public outreach consists of three duly-noticed public meetings in Acton, Agua Dulce, Juniper Hills, as well as a fourth meeting before a regular meeting of the Association of Rural Town Councils (ARTC); and
- Within 30 days of the last community meeting, submit to the Board a written report outlining the public input on this matter.

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